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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   JAMES TOMPSON RIGGS   No. 1:20cv940-HBK (SS)

12   Plaintiff,

13   v.   ORDER DIRECTING PLAINTIFF TO SHOW
                                             CAUSE WHY THIS ACTION SHOULD NOT
14   COMMISSIONER OF SOCIAL   BE   DISMISSED   FOR   LACK   OF
      SECURITY,   PROSECUTION AND/OR PROVIDE PROOF
                                             OF SERVICE ON COMMISSIONER
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              Defendant.
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18   This matter comes before the Court upon initial review of the file which was recently

19   reassigned to the undersigned. (Doc. 6). Plaintiff initiated this *pro se* action on July 7, 2020 by

20   filing a Complaint for review of Social Security Disability or Supplemental Security Income

21   Decision. (Doc. No. 1). Plaintiff was grated leave to proceed *in forma pauperis.* (Doc. No. 3).

22   On July 9, 2020, the Clerk issued summons (Doc. No. 4) and a scheduling order issued (Doc. No.

23   5). A review of the docket reveals no return of the summons indicating that the Commissioner has

24   received timely service of process. *See* docket. Aside from filing the Complaint, there has been

25   no record activity on the docket from the parties. *Id.* It is unclear whether service was effectuated

26   upon the Commissioner or whether Plaintiff has decided to voluntarily dismiss this action.

27   Accordingly, it is now **ORDERED**:

28   1. Plaintiff shall show cause within ten (10) days from the date on this Order why this case

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should not be dismissed for failure to prosecute and/or provide proof of return of service

of process on Commissioner.

2. If Plaintiff wishes to voluntary dismiss this case, he shall file a Notice of Voluntary

Dismissal under Fed. R. Civ. P. 41 (a) within ten (10) days.

3. Plaintiff's failure to respond to this Order or explain his inability to respond will result

in the dismissal of this case without further notice for Plaintiff's failure to comply with

a court order and to prosecute this action.

IT IS SO ORDERED.

Dated: January 13, 2021

HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE

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